

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BENJAMIN D. GIBLER,

Plaintiff,

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No. 10-11173

Hon. Anna Diggs Taylor

Magistrate Judge Donald A. Scheer

ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION
(DKT #13)

This matter is before the court on Magistrate Judge Donald A. Scheer's Report and Recommendation of August 31, 2010, recommending that Defendant's Motion for Summary Judgment be granted and Plaintiff's Motion for Summary Judgment be denied.

The court has reviewed the file, Plaintiff's Objection, Defendant's Response, and the Magistrate Judge's Report and Recommendation. The court finds that the law cited by the Magistrate has been correctly placed and is controlling in this matter.

THEREFORE, the court will accept the Magistrate's Report and Recommendation of August 31, 2010, as the findings and conclusions of this court.

Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge Scheer's Report and Recommendation of August 31, 2010, is ACCEPTED and ADOPTED.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment is **GRANTED** and Plaintiff's Motion for Summary Judgment is **DENIED**.

IT IS SO ORDERED.

DATED: December 3, 2010

s/Anna Diggs Taylor

ANNA DIGGS TAYLOR

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail disclosed on the Notice of Electronic Filing on December 3, 2010.

s/Johnetta M. Curry-Williams
Case Manager